BOMBAY ACT No. LXXIX OF 1948.[1]

[THE BOMBAY SHOPS AND ESTABLISHMENTS ACT, 1948.]

[*11th January 1949*]

Amended by Bom. 17 of 1949.
" " " 58 of 1949.
" " " 59 of 1949.
" " " 8 of 1959.
Adapted and modified by the Adaptation of Laws Order, 1950.
Amended by Bom. 9 of 1951.
" " " 28 of 1952.
" " " 58 of 1954.

An Act to consolidate and amend the law relating to the regulation of conditions of work and employment in shops, commercial establishments, residential hotels, restaurants, eating houses, theatres, other places of public amusement or entertainment and other establishments.

WHEREAS it is expedient to consolidate and amend the law relating to the regulation of conditions of work and employment in shops, commercial establishments, residential hotels, restaurants, eating houses, theatres, other places of public amusement or entertainment and other establishments and for certain other purposes hereinafter specified; It is hereby enacted as follows :—

CHAPTER I.

PRELIMINARY.

Short title, extent and operation.

1. (*1*) This Act may be called the Bombay Shops and Establishments Act, 1948.

(*2*) It extends to the whole of the [2][State] of Bombay.

(*3*) It shall in the first instance come into force in the local areas specified in Schedule I.

(*4*) The [3][State] Government shall by notification published in the *Official Gazette* direct that all or any of the provisions of this Act shall come into force in such other local areas having a population of twenty-five thousand and more as may be specified in the notification.

(*5*) The [3][State] Government may also by a like notification direct that all or any of the provisions of this Act shall come into force in such local areas having population less than twenty-five thousand as may be specified in the notification.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(*1*) "Apprentice" means a person who is employed, whether on payment of wages or not, for the purpose of being trained, in any trade, craft or employment in any establishment;

(*2*) "Child" means a person who has not completed his twelfth year;

(*3*) "Closed" means not open for the service of any customer or open to any business connected with the establishment;

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[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1948, Part V, page 499.
[2] This word was substituted for the word "Province" by the Adaptation of Laws Order, 1950.
[3] This word was substituted for the word "Provincial", *ibid*.

(*4*) "Commercial establishment" means an establishment which carries on any business, trade or profession or any work in connection with, or incidental or ancillary to, any business, trade or profession and includes a society registered under the Societies Registration Act, 1860, and a charitable or other trust, whether registered or not, which carries on [1][, whether for purposes of gain or not,] any business, trade or profession or work in connection with or incidental or ancillary thereto but does not include a factory, shop, residential hotel, restaurant, eating house, theatre or other place of public amusement or entertainment; XXI of 1860.

(*5*) "Day" means the period of twenty-four hours beginning at midnight: Provided that in the case of an employee whose hours of work extend beyond midnight, day means the period of twenty-four hours beginning when such employment commences irrespective of midnight;

(*6*) "Employee" means a person wholly or principally employed in, and in connection with, any establishment and includes an apprentice but does not include a member of the employer's family;

(*7*) "Employer" means a person owning or having ultimate control over the affairs of an establishment;

(*8*) "Establishment" means a shop, commercial establishment, residential hotel, restaurant, eating house, theatre, or other place of public amusement or entertainment to which this Act applies and includes such other establishment as the [2][State] Government may, by notification in the *Official Gazette*, declare to be an establishment for the purposes of this Act;

(*9*) "Factory" means any premises which is a factory within the meaning of [3][clause (*m*) of section 2 of the Factories Act, 1948, or which is deemed to be a factory under section 85 of the said Act]; LXIII of 1948.

(*10*) "Goods" includes all materials, commodities and articles;

(*11*) "Holiday" means a day on which an establishment shall remain closed or on which an employee shall be given a holiday under the provisions of this Act;

(*12*) "Inspector" means an Inspector appointed under section 48;

(*13*) "Leave" means leave provided for in Chapter VII of this Act;

(*14*) "Local area" means any area or combination of areas to which this Act applies;

[4][(*15*) "Local authority" means a municipal corporation constituted under the Bombay Municipal Corporation Act or the Bombay Provincial Municipal Corporations Act, 1949, a municipality constituted under the Bombay District Municipal Act, 1901, or the Bombay Municipal Boroughs Act, 1925, or a local board constituted under the Bombay Local Boards Act, 1923;] Bom. III of 1888. Bom. LIX of 1949. Bom. III of 1901. Bom. XVIII of 1925. Bom. VI of 1923.

(*16*) "Manager" means a person declared to be a manager under section 7;

(*17*) "Member of the family of an employer" means the husband, wife, son, daughter, father, mother, brother or sister of an employer who lives with and is dependent an such employer;

(*18*) "Opened" means opened for the service of any customer;

(*19*) "Period of work" means the time during which an employee is at the disposal of the employer;

(*20*) "Prescribed" means prescribed by rules made under this Act;

(*21*) "Prescribed authority" means the authority prescribed under the rule made under this Act;

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[1] These words were inserted by Bom. 28 of 1952, s. 2(*1*).
[2] This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.
[3] This portion was substituted for the original, by Bom. 17 of 1949, s. 2.
[4] Clause (15) was substituted for the original, by Bom. 28 of 1952, s. 2(*2*).

(*22*) "Register of establishments" means a register maintained for the registration of establishments under this Act;

(*23*) "Registration certificate" means a certificate showing the registration of an establishment;

(*24*) "Residential hotel" means any premises used for the reception of guests and travellers desirous of dwelling or sleeping therein and includes a [1][residential club];

(*25*) "Restaurant or eating house" means any premises in which is carried on wholly or principally the business of the supply of meals or refreshments to the public or a class of the public for consumption on the premises;

(*26*) "Schedule" means a Schedule appended to this Act;

(*27*) "Shop" means any premises where goods are sold, either by retail or wholesale or where services are rendered to customers, and includes an office, a store room, godown, warehouse or work place, whether in the same premises or otherwise, [2][mainly used] in connection with such trade or business but does not include a factory, a commercial establishment, residential hotel, restaurant, eating house, theatre or other place of public amusement or entertainment;

(*28*) "Spread over" means the period between the commencement and the termination of the work of an employee on any day;

(*29*) "Theatre" includes any premises intended principally or wholly for the exhibition of pictures or other optical effects by means of a cinematograph or other suitable apparatus or for dramatic performances or for any other public amusement or entertainment;

IV of 1936. (*30*) "Wages" means wages as defined in the Payment of Wages Act, 1936;

(*31*) "Week" means the period of seven days beginning at midnight of Saturday;

(*32*) "Year" means a year commencing on the first day of April;

(*33*) "Young person" means a person who is not a child and has not completed his seventeenth year.

Reference to time of day.

3. References to the time of day in this Act are references to Indian standard time which is five and a half hours ahead of Greenwich mean time.

Exemptions.

4. Notwithstanding anything contained in this Act, the provisions of this Act mentioned in the third column of Schedule II shall not apply to the establishments, employees and other persons mentioned against them in the second column of the said Schedule:

Provided that the [3][State] Government may, by notification published in the *Official Gazette*, add to, omit or alter any of the entries of the said Schedule [4][subject to such conditions, if any, as may be specified in such notification] and on the publication of such notification, the entries in either column of the said Schedule shall be deemed to be amended accordingly.

Application of Act to other establishments and persons.

5. (*1*) Notwithstanding anything contained in this Act, the [3][State] Government may, by notification in the *Official Gazette*, declare any establishment or class of establishments to which, or any person or class of persons to whom, this Act or any of the provisions thereof does not for the time being apply, to be an establishment or class of establishments or a person or class of persons to which or whom this Act or any provisions thereof with such modifications or adaptations

[1] These words were substituted for the word "club" by Bom. 9 of 1951, s. 3, Second Schedule.
[2] These words were substituted for the word "used" by Bom. 28 of 1952, s. 2 (*3*).
[3] This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.
[4] These words were inserted by Bom. 28 of 1952, s. 3.

as may in the opinion of the [1][State] Government be necessary shall apply from such date as may be specified in the notification.

(2) On such declaration under sub-section (1), any such establishment or class of establishments or such person or class of persons shall be deemed to be an establishment or class of establishments to which, or to be an employee or class of employees to whom, this Act applies and all or any of the provisions of this Act with such adaptation or modification as may be specified in such declaration, shall apply to such establishment or class of establishments or to such employee or class of employees.

Suspension of all or any of the provisions of this Act.

6. The [1][State] Government may, by notification in the *Official Gazette*, suspend the operation of all or any of the provisions of this Act for such period and subject to such conditions as it deems fit on account of any holidays or occasions.

CHAPTER II.

REGISTRATION OF ESTABLISHMENTS.

Registration of establishments.

7. (1) Within the period specified in sub-section (4), the employer of every establishment shall send to the Inspector of the local area concerned a statement, in a prescribed form, together with such fees as may be prescribed, containing—

(a) the name of the employer and the manager, if any;

(b) the postal address of the establishment;

(c) the name, if any, of the establishment;

(d) the category of the establishment, *i.e.*, whether it is a shop, commercial establishment, residential hotel, restaurant, eating house, theatre or other place of public amusement or entertainment; and

(e) such other particulars as may be prescribed.

(2) On receipt of the statement and the fees, the Inspector shall, on being satisfied about the correctness of the statement, register the establishment in the register of establishments in such manner as may be prescribed and shall issue, in a prescribed form, a registration certificate to the employer. The registration certificate shall be prominently displayed at the establishment.

(3) In the event of any doubt or difference of opinion between an employer and the Inspector as to the category to which an establishment should belong, the Inspector shall refer the matter to the prescribed authority which shall, after such inquiry as it thinks proper, decide the category of such establishment and its decision shall be final for the purposes of this Act.

(4) Within thirty days from the date mentioned in column 2 below in respect of an establishment mentioned in column 1, the statement together with fees shall be sent to the Inspector under sub-section (1):—

1 Establishments.	2 Date from which the period of 30 days to commence.
(i) Establishments existing in local areas mentioned in Schedule I on the date on which this Act comes into force.	The date on which this Act comes into force.
(ii) Establishments existing in local areas on the date on which this section comes into force.	The date on which this section comes into force in the local area.

[1] This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

1 Establishments.	2 Date from which the period of 30 days to commence.
(*iii*) New establishments in local areas mentioned in Schedule I and other local areas in which this section has come into force.	The date on which the establishment commences its work.

Change to be communicated to Inspector.

8. It shall be the duty of an employer to notify to the Inspector, in a prescribed form, [1][any change in any of the particulars contained in the statement submitted under section 7 within such period, after the change has taken place, as the State Government may prescribe in respect of any establishment or class of establishments]. The Inspector shall, on receiving such notice and the prescribed fees and on being satisfied about its correctness, make the change in the register of establishments in accordance with such notice and shall amend the registration certificate or issue a fresh registration certificate, if necessary.

Closing of establishment to be communicated to Inspectors.

9. The employer shall, within ten days on his closing the establishment, notify to the Inspector in writing accordingly. The Inspector shall, on receiving the information and being satisfied about its correctness, remove such establishment from the register of establishments and cancel the registration certificate:

[2][Provided that if the Inspector does not receive the information but he is otherwise satisfied that the establishment has been closed, he may remove such establishment from such register and cancel such certificate.]

CHAPTER III.

SHOPS AND COMMERCIAL ESTABLISHMENTS.

Opening hours of shops.

10. (*1*) No shop—

(*a*) dealing wholly in milk, vegetables, fruits, fish, meat, bread or any other goods notified by the [3][State] Government shall on any day be opened earlier than 5 a.m.;

(*b*) [4]* * * other than those specified in clause (*a*) of this sub-section, shall on any day be opened earlier than 7-0 a.m.

(*2*) Subject to the provisions of sub-section (*1*), the [3][State] Government may fix later opening hours for different classes of shops or for different areas or for different periods of the year.

Closing hours of shops.

11. (*1*) Notwithstanding anything contained in any other enactment for the time being in force, no shop—

(*a*) [4]* * * other than those specified in clause (*b*) of this sub-section, shall on any day be closed later than 8-30 p.m.;

(*b*) dealing in *pan, bidi*, cigarettes, matches and other ancillary articles shall on any day be closed later than 11-0 p.m.:

Provided that any customer who was being served or was waiting to be served at such closing hour in any shop may be served in such shop during the quarter of an hour immediately following such hour.

(*2*) Subject to the provisions of sub-section (*1*), the [3][State] Government may fix earlier closing hours for different classes of shops or for different areas or for different periods of the year.

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[1] This portion was substituted for the portion beginning with the words "any change" and ending with the words "taken place" by Bom. 28 of 1952, s. 4

[2] This proviso was added, *ibid*, s. 5.

[3] This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

[4] The words "dealing in goods" were deleted by Bom. 53 of 1949, s. 2, First Schedule.

Hawking prohibited before opening and after closing hours of shops.

12. (*1*) No person shall carry on in or adjacent to a street or a public place the sale of any goods before the opening and after the closing hours fixed under sections 10 and 11 for the shops dealing in the same class of goods in the locality in which such street or public place is situate.

(*2*) Any person contravening the provisions of sub-section (*1*) shall be liable to have his goods seized by an Inspector.

[1][(*3*) The goods seized under sub-section (*2*) shall be returned to the person from whom they were seized on his depositing rupees twenty-five as security for his appearance in the Court.

(*4*) If the person fails to make the deposit, the goods seized shall be produced without delay before a Magistrate who may give such directions as to their temporary custody as he thinks fit.

(*5*) Where no prosecution is instituted for contravention of the provisions of sub-section (*1*) within such period as the Magistrate may fix in this behalf, the Magistrate shall direct their return to the person from whom they were seized.

(*6*) Subject to the provisions of the preceding sub-section, the provisions of the Code of Criminal Procedure, 1898, shall so far as they may be applicable, apply to the disposal of the goods seized under this section.] V of 1898.

Opening and closing hours of commercial establishments.

13. (*1*) No Commercial establishment shall on any day be opened earlier than 8-30 a.m. and closed later than 8-30 p.m.

(*2*) Subject to the provisions of sub-section (*1*), the [2][State] Government may fix later opening or earlier closing hours for different classes of commercial establishments or for different areas or for different periods of the year.

Daily and weekly hours of work in shops and commercial establishments.

14. (*1*) Subject to the provisions of this Act, no employee shall be required or allowed to work in any shop or commercial establishment for more than nine hours in any day and forty-eight hours in any week.

(*2*) Any employee may be required or allowed to work in a shop or commercial establishment for any period in excess of the limit fixed under sub-section (*1*), if such period does not exceed three hours in any week.

(*3*) On not more than six days in a year which the [2][State] Government may fix by rules made in this behalf, for purposes of making of accounts, stock taking, settlements or other prescribed occasions, any employee may be required or allowed to work in a shop or commercial establishment in excess of the period fixed under sub-section (*1*), if such excess period does not exceed twenty-four hours.

Interval for rest.

[3][**15.** The period of work of an employee in a shop or commercial establishment each day shall be so fixed that no period of continuous work shall exceed five hours and that no employee shall be required or allowed to work for more than five hours before he has had an interval for rest of at least one hour.]

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[1] Sub-sections (*3*) to (*6*) were substituted for the proviso by Bom. 28 of 1952, s. 6.
[2] This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.
[3] Section 15 was substituted for the original by Bom. 28 of 1952, s. 7.

Spread-over in shops.

16. The spread-over of an employee in a shop shall not exceed eleven hours in any day :

Provided that in cases where any shop is on any day entirely closed for a continuous period of not less than three hours, the spread-over shall not exceed twelve hours in that day :

Provided also that where an employee works on any day in accordance with the provisions of sub-section (*2*) of section 14, the spread-over shall not exceed fourteen hours in any such day and where he works on any day in accordance with the provisions of sub-section (*3*) of the said section, the spread-over shall not exceed sixteen hours in any such day.

Spread-over in commercial establishments.

17. The spread-over of an employee in a commercial establishment shall not exceed eleven hours in any day :

Provided that the [1][State] Government may increase the spread-over period subject to such conditions as it may impose either generally or in the case of a particular commercial establishment or a class or classes of commercial establishments.

Holidays in a week in shops and commercial establishments.

18 [2][(*1*) Every shop and commercial establishment shall remain closed on one day of the week. The employer shall prepare a calendar or list of such closed days at the beginning of the year, notify such calendar or list to the Inspector and specify it in a notice prominently displayed in a conspicuous place in the shop or commercial establishment.

(*1A*) Notwithstanding anything contained in sub-section (*1*), a shop or commercial establishment may remain open on any day notified as closed day under sub-section (*1*), if—

(*a*) it remains closed on any other day of the week ; and

(*b*) the employer has notified to the Inspector, his intention to close the shop or the commercial establishment, as the case may be, on the day substituted under clause (*a*), at least seven days before the substituted day or the day notified as closed day under sub-section (*1*), whichever is earlier.]

(*2*) It shall not be lawful for an employer to call an employee at, or for an employee to go to his shop or commercial establishment or any other place for any work in connection with the business of his shop or commercial establishment on a day on which such shop or commercial establishment remains closed.

(*3*) No deduction shall be made from the wages of any employee in a shop or commercial establishment on account of any day on which it has remained closed under this section. If any employee is employed on a daily wage, he shall none the less be paid his daily wage for the day on which such shop or commercial establishment remains closed. [3][If any employee is paid a piece rated wage, he shall none the less be paid his wage for the day on which the shop or commercial establishment remains closed, at a rate equivalent to the daily average of his wages for the days on which he has actually worked during the six days preceding such closed day, exclusive of any earning in respect of overtime :]

[4][Provided that nothing in this sub-section shall apply to any person whose total period of continuous employment is less than six days.]

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[1] This word was substituted for the word " Provincial " by the Adaptation of Laws Order, 1950.
[2] Sub-sections (*1*) and (*1A*) were substituted for the original sub-section (*1*), by Bom. 28 of 1952, s. 8 (*1*).
[3] This portion was added, *ibid*, s. 8 (*2*).
[4] This provise was added, *ibid*, s. 8 (*3*).

CHAPTER IV.

RESIDENTIAL HOTELS, RESTAURANTS AND EATING HOUSES.

Opening and closing hours of restaurants and eating houses.

19. (*1*) Notwithstanding anything contained in any other enactment for the time being in force, no restaurant or eating house shall on any day be opened earlier than 5 a.m. and closed later than 11 p.m. for service:

Provided that an employee in such restaurant or eating house may be required to commence work not earlier than 4-30 a.m. and shall not be required to work later than 11-30 p.m.:

Provided also that any customer who was being served or waiting to be served at the closing hour of such restaurant or eating house may be served in such restaurant or eating house during the quarter of an hour immediately following such hour.

(*2*) Subject to the provisions of sub-section (*1*), the [1][State] Government may fix later opening or earlier closing hours for different restaurants or eating houses or for different areas or for different periods of the year.

(*3*) Notwithstanding anything contained in this section or any other enactment for the time being in force on not more than ten days in a year on festive or special occasions, the [1][State] Government may, by notification in the *Official Gazette*, fix such opening and closing hours for different restaurants or eating houses or for different areas, as it thinks proper.

Restaurants and eating houses not to sell goods of the kind sold in shops before the opening and after the closing hours of shops.

20. Before and after the hours fixed for the opening and closing of shops under sections 10 and 11, no goods of the kind sold in such shops shall be sold in any restaurant or eating house except for consumption on premises.

Daily hours of work in residential hotels, restaurants and eating houses.

21. (*1*) Except on the days that may be notified under sub-section (*3*) of section 19, no employee shall be required or allowed to work in any residential hotel, restaurant or eating house for more than nine hours in any day.

(*2*) On the days which may be notified under sub-section (*3*) of section 19, any employee may be required or allowed to work in a residential hotel, restaurant or eating house in excess of the period fixed under sub-section (*1*), if such excess period does not exceed three hours in any day

Interval for rest.

[2][**22.** The period of work of an employee in a residential hotel, restaurant, or eating house each day shall be so fixed that no period of continuous work shall exceed five hours and that no employee shall be required or allowed to work for more than five hours before he has had an interval for rest of at least one hour.]

Spread-over.

23. The spread-over of an employee in a residential hotel, restaurant or eating house shall not exceed fourteen hours:

Provided that the [1][State] Government may increase the spread-over period subject to such conditions as it may impose on the days that may be notified under sub-section (*3*) of section 19.

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[1] This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

[2] Section 22 was substituted for the original by Bom. 28 of 1952, s. 9.

Holidays in a week.

24. (*1*) Every employee in a residential hotel, restaurant or eating house shall be given at least one day in a week as a holiday:

Provided that nothing in this sub-section shall apply to an employee whose total period of employment in any week is less than six days.

(*2*) It shall not be lawful for an employer to call an employee at, or for an employee to go to, his residential hotel, restaurant or eating house or any other place for any work in connection with the business of his residential hotel, restaurant or eating house on a day on which such employee has a holiday.

(*3*) No deduction shall be made from the wages of any employee in a residential hotel, restaurant or eating house on account of any holiday given to him under sub-section (*1*). If an employee is employed on a daily wage, he shall none the less be paid his daily wage for the holiday.

Employer to furnish identity card to employee.

25. The employer shall furnish every employee in a residential hotel, restaurant or eating house an identity card which shall be produced by the employee on demand by an Inspector. Such card shall contain the following and such other particulars as may be prescribed, namely:—

(*a*) the name of the employer;

(*b*) the name, if any, and the postal address, of the establishment;

(*c*) the name and age of the employee;

(*d*) the hours of work, the interval for rest and the holiday, of the employee;

[1][(*e*) the signature (with date) of the employer or manager.]

CHAPTER V.

THEATRES OR OTHER PLACES OF PUBLIC AMUSEMENT OR ENTERTAINMENT.

Closing hour of theatres or other places of public amusement or entertainment.

26. Notwithstanding anything contained in any other enactment for the time being in force, no theatre or other place of public amusement for entertainment shall, on any day, be closed later than twelve midnight.

Theatres or other places of public amusement or entertainment not to sell goods of the kind sold in shops after the closing hour of shops.

27. After the hour fixed for the closing of shops under section 11, no goods of the kind sold in a shop shall be sold in any theatre or other place of public amusement or entertainment except for consumption on premises.

Daily hours of work in theatres or other places of public amusement or entertainment.

[2][**28.** (*1*) No employee shall be required or allowed to work in any theatre or other places of public amusement or entertainment for more than nine hours in any day.

(*2*) Any employee may be required or allowed to work in a theatre or other place of public amusement or entertainment for any period in excess of the limit fixed under sub-section (*1*), if such period does not exceed six hours in any week.]

[1] Clause (*e*) was added by Bom. 28 of 1952, s. 10.

[2] Section 28 was substituted for the original, *ibid*, s. 11.

Interval for rest.

[1][29. The period of work of an employee in a theatre or other place of public amusement or entertainment each day shall be so fixed that no period of continuous work shall exceed five hours and that no employee shall be required or allowed to work for more than five hours before he has had an interval for rest of at least one hour.]

Spread-over.

30. The spread-over of an employee in a theatre or other place of public amusement or entertainment shall not exceed eleven hours in any day :

Provided that the [2][State] Government may increase the spread-over period subject to such conditions as it may impose either generally or in the case of a particular theatre or other place of public amusement or entertainment.

Holidays in a week.

31. (*1*) Every employee in a theatre or other place of public amusement or entertainment shall be given at least one day in a week as a holiday :

Provided that nothing in this sub-section shall apply to an employee whose total period of employment in any week is less than six days.

(*2*) It shall not be lawful for an employer to call an employee at, or for an employee to go to, his theatre or other place of public amusement or entertainment or any other place for any work in connection with the business of his theatre or place of public amusement or entertainment on a day on which such employee has a holiday.

(*3*) No deduction shall be made from the wages of an employee in a theatre or other place of public amusement or entertainment on account of any holiday given to him under sub-section (*1*). If any employee is employed on a daily wage, he shall none the less be paid his daily wage for the holiday given to him.

CHAPTER VI.

Employment of Children, Young Persons and Women.

No child to work in any establishment.

32. No child shall be required or allowed to work whether as an employee or otherwise in any establishment, notwithstanding that such child is a member of the family of the employer.

Young persons and women to work between 6 a.m. and 7 p.m.

33. No young person or woman shall be required or allowed to work whether as an employee or otherwise in any establishment before 6 a.m. and after 7 p.m., notwithstanding that such young person or woman is a member of the family of the employer.

Daily hours of work for young persons.

34. (*1*) Notwithstanding anything contained in this Act, no young person shall be required or allowed to work, whether as an employee or otherwise, in any establishment for more than six hours in any day.

(*2*) No young person shall be required or allowed to work whether as an employee or otherwise in any establishment for more than three hours in any day unless he has had an interval for rest of at least half an hour.

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[1] Section 29 was substituted for the original by Bom. 28 of 1952, s. 12.

[2] This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

CHAPTER VII.

Leave with Pay and Payment of Wages.

Leave.

35. (*1*) Every employee who has worked for not less than two hundred and seventy days during a year, shall be allowed, during the subsequent year, leave, consecutive or otherwise, for a period of not less than fourteen days, inclusive of the day or days during the period of such leave, on which, a shop or commercial establishment remains closed under sub-section (*1*) of section 18 or he is entitled to a holiday under sub-section (*1*) of section 24 or section 31 :

Provided that such leave may be accumulated up to a maximum period of twenty-eight days.

[1][(*1A*) If the services of an employee who has been in the employment for not less than a year and who has worked for ninety days or more, but for less than two hundred and seventy days during any subsequent year, are terminated in such year in the circumstances specified in sub-section (*2*), he shall, in addition to the leave under sub-section (*1*), become entitled to such leave in such year for the number of days which bears to fourteen days, the same proportion, as the number of days for which he worked bears to two hundred and seventy days.]

(*2*) If an employee entitled to leave under sub-section (*1*) [2][or (*1A*)] is discharged by his employer before he has been allowed the leave, or if, having applied for and having been refused the leave, he quits his employment before he has been allowed the leave, the employer shall pay him the amount payable under section 36 in respect of the leave.

(*3*) If an employee entitled to leave under sub-section (*1*) [2][or (*1A*)] is refused the leave, he may give intimation to the Inspector or any other officer authorized in this behalf by the [3][State] Government regarding such refusal. The Inspector shall enter such intimation in a register kept in such form as may be prescribed.

Pay during leave.

36. Every employee shall be paid for the period of his leave at a rate equivalent to the daily average of his wages for the days on which he actually worked during the preceding three months, exclusive of any earnings in respect of overtime.

Payment, when to be made.

37. An employee who has been allowed leave under section 35 shall, before his leave begins, be paid half the total amount due to him for the period of such leave.

IV of 1936.

Application and amendment of the Payment of Wages Act.

38. (*1*) Notwithstanding anything contained in the Payment of Wages Act, 1936, herein referred to as " the said Act ", the [3][State] Government may, by notification published in the *Official Gazette*, direct that subject to the provisions of sub-section (*2*) the said Act [4][shall, in such local areas as may be specified in the notification apply] to all or any class of establishments or to all or any class of employees to which or whom this Act for the time being applies.

(*2*) On the application of the provisions of the said Act to any establishment or to any employees under sub-section (*1*), the Inspector appointed under this Act shall be deemed to be the Inspector for the purpose of the enforcement of the provisions of the said Act within the local limits of his jurisdiction.

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[1] Sub-section (*1A*) was inserted by Bom. 28 of 1952, s. 13 (*1*).
[2] This portion was inserted, *ibid.*, s. 13(*2*).
[3] This word was substituted for the word " Provincial " by the Adaptation of Laws Order, 1950.
[4] These words were substituted for the words " shall apply " by Bom. 58 of 1954, s. 2, Schedule.

CHAPTER VIII.

HEALTH AND SAFETY.

Cleanliness.

39. The premises of every establishment shall be kept clean and free from effluvia arising from any drain or privy or other nuisance and shall be cleaned at such times and by such methods as may be prescribed. These methods may include lime washing, colour washing, painting, varnishing, disinfecting and deodorising.

Ventilation.

40. The premises of every establishment shall be ventilated in accordance with such standards and by such methods as may be prescribed.

Lighting.

41. (*1*) The premises of every establishment shall be sufficiently lighted during all working hours.

(*2*) If it appears to an Inspector that the premises of any establishment within his jurisdiction are not sufficiently lighted, he may serve on the employer an order in writing specifying the measures which in his opinion should be adopted and requiring them to be carried out before a specified date.

Precautions against fire.

42. In every establishment except such establishment or class of establishments as may be prescribed, such precautions against fire shall be taken as may be prescribed.

First Aid.

[1][**42A.** In every establishment wherein a manufacturing process as defined in clause (*k*) of section 2 of the Factories Act, 1948, is carried on, there shall be provided and maintained a first aid box containing such articles as may be prescribed.] LXIII of 1948.

CHAPTER IX.

ENFORCEMENT AND INSPECTION.

Powers and duties of local authorities.

43. Save as otherwise provided in this Act, it shall be the duty of every local authority to enforce, within the area subject to its jurisdiction, the provisions of this Act, subject to such supervision of the [2][State] Government as may be prescribed :

Provided that the local authority may by order direct that the said duty of enforcing the provisions of this Act shall be discharged, in such circumstances and subject to such conditions if any as may be specified in the order, by its Chief Executive Officer or any other officer subordinate to it :

Provided also that in respect of the areas not subject to the jurisdiction of any local authority, it shall be the duty of the [2][State] Government to enforce the said provisions.

Power to make by-laws.

44. A local authority empowered under section 43 to enforce the provisions of this Act may, with the previous sanction of the [2][State] Government, make by-laws not inconsistent with the provisions of the Act, or the rules or orders made by th [2][State] Government thereunder, for the purpose of carrying out the provisions of this Act.

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[1] Section 42A was inserted by Bom. 28 of 1952, s. 14.

[2] This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

Delegation.

45. (*1*) The [1][State] Government may by order direct that any of its functions under any of the provisions mentioned below shall, in such circumstances and subject to such conditions, if any, as may be specified in the order, be exercised or discharged by any local authority or any officers subordinate to it, namely :—

Sub-section (*2*) of section 11, sub-section (*2*) of section 13, section 17, sub-sections (*2*) and (*3*) of section 19, section 23 and section 30.

(*2*) Nothing in this Act shall derogate from the right of the [1][State] Government to exercise any or all the functions hereby delegated to any local authority or officer subordinate to it.

Power of [1][State] Government to provide for performance of duties on default by local authority.

46. (*1*) If any local authority makes default in the performacne of any duty imposed by or uader this Act, the [1][State] Government may appoint some person to perform it and may direct that the expense of performing it with a reasonable remuneration to the person appointed to perform it shall be paid forthwith by the local authority.

(*2*) If the expense and remuneration are not so paid, the [1][State] Government may, notwithstanding anything contained in any law relating to the municipal fund or local fund or any other law for the time being in force, make an order directing the bank in which any moneys of the local authority are deposited or the person in charge of the local Government Treasury or of any other place of security in which the moneys of the local authority are deposited to pay such expense and remuneration from such moneys as may be standing to the credit of the local authority in such bank or may be in the hands of such person or as may from time to time be received from or on behalf of the local authority by way of deposit by such bank or person ; and such bank or person shall be bound to obey such order. Every payment made pursuant to such order shall be a sufficient discharge to such bank or person from all liability to the local authority in respect of any sum or sums so paid by it or him out of the moneys of the local authority so deposited with such bank or person.

Expenses of local authority to be paid out of its fund.

47. Notwithstanding anything contained in any enactment in regard to any municipal or local fund, all expenses incurred by a municipality or a local board under and for the purposes of this Act shall be paid out of the municipal or local fund, as the case may be.

Appointment of inspectors.

48. (*1*) Every local authority shall appoint a sufficient number of persons with the prescribed qualifications as Inspectors for the area subject to its jurisdiction as it may deem fit for the purpose of carrying out the provisions of this Act.

(*2*) In areas which are not subject to the jurisdiction of any local authority, the [1][State] Government shall appoint Inspectors with the prescribed qualifications.

Powers and duties of Inspectors.

49. Subject to any rules made by the [1][State] Government in this behalf, an Inspector may, within the local limits for which he is appointed,—

(*a*) enter, at all reasonable times and with such assistants, if any, being persons in the service of the [2][Government] or of any local authority as he thinks fit, any place which is or which he has reason to believe is an establishment ;

(*b*) make such examination of the premises and of any prescribed registers, records and notices, and take on the spot or otherwise evidence of any persons as he may deem necessary, for carrying out the purposes of this Act ; and

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[1] This word was substituted for the word " Provincial " by the Adaptation of Laws Order, 1950.
[2] This word was substituted for the word " Crown ", *ibid.*

(*c*) exercise such other powers as may be necessary for carrying out the purposes of this Act :

Provided that no one shall be required under this section to answer any question or give any evidence tending to criminate himself.

Inspectors to be public servants.

50. Every Inspector appointed under section 48 shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code. XLV of 1860.

Employer [2][and manager] to produce registers, records, etc., for inspection.

51. Every employer [1][and in his absence the manager] shall on demand produce for inspection of an Inspector all registers, records and notices required to be kept under and for the purposes of this Act.

CHAPTER X.

OFFENCES AND PENALTIES.

Contravention of certain provisions and offences.

52. (*a*) If any employer fails to send to the Inspector a statement within the period specified in section 7 or to notify a change within the period specified in section 8 or to notify the closing of his establishment under section 9 ; or

(*b*) if in any establishment there is any contravention of any of the provisions of section 10, 11, 13, 18, 19, 20, 26, 27, 39, 40, 41 or 42 or any orders made thereunder ; or

(*c*) if in any establishment any person is required or allowed to work in contravention of section 14, 15, 16, 17, 21, 22, 23, 24, 28, 29, 30 or 31 ; or

(*d*) if in any establishment a child or young person or woman is required or allowed to work in contravention of section 32, 33 or 34 ; or

[3][(*e*) if any employer or manager contravenes the provisions of section 51 or any employer contravenes the provisions of section 62 or 65 ; or]

(*f*) if in any establishment there is any contravention of any section, rule or order for which no specific punishment is provided in this Act,

the employer and the manager shall, on conviction, each be punished with fine which shall not be less than twenty-five rupees and which may extend to two hundred and fifty rupees.

Contravention of section 12.

53. If any person contravenes the provisions of section 12, he shall, on conviction, be punished with fine which shall not be less than ten rupees and which may extend to fifty rupees.

Employee contravening sections 18 (*2*), 24, 31 and 65.

54. If an employee contravenes the provisions of sub-section (*2*) of section 18, 24, 31 or 65, he shall, on conviction, be punished with fine which shall not be less than ten rupees and which may extend to fifty rupees.

False entries by employer and manager.

55. If any employer or manager with intent to deceive makes, or causes or allows to be made, in any register, record or notice prescribed to be maintained under the provisions of this Act or the rules made thereunder, an entry which, to his knowledge, is false in any material particular, or wilfully omits or causes or allows to be omitted, from any such register, record or notice, an entry which is required to be made therein under the provisions of this Act or the rules made thereunder, or maintains or causes or allows to be maintained, more than one set of any register, record or notice except the office copy of such notice, or sends, or

[1] These words were inserted by Bom. 28 of 1952, s. 15 (*1*).
[2] These words were inserted, *ibid*, s. 15 (*2*).
[3] Clause (*e*) was substituted for the original, *ibid*, s. 16.

causes or allows to be sent, to an Inspector, any statement, information or notice prescribed to be sent under the provisions of this Act or the rules made thereunder, which, to his knowledge, is false in any material particular, he shall, on conviction, be punished with fine which shall not be less than fifty rupees and which may extend to two hundred and fifty rupees :

Provided that if both the employer and the manager are convicted, the aggregate of the fine in respect of the same contravention shall not exceed two hundred and fifty rupees.

Enhanced penalty in certain cases after previous conviction.

56. If any employer and manager who have been convicted of any offence under sub-section (*1*) of section 10, 11, 13, 14, 18,19, 24, 31, or 34 or under sub-section (*2*) or (*3*) of section 14 or under section 55 or under section 21, 26, 28, 32, 33, 51, 57, 62 or 65, are again guilty of an offence involving a contravention of the same provision, they shall each be punished on the second conviction with fine which shall not be less than fifty rupees and which may extend to five hundred rupees ; and if they are again so guilty, they shall each be punished on the third or any subsequent conviction with fine which shall not be less than seventy-five rupees and which may extend to seven hundred and fifty rupees :

Provided that if both the employer and the manager are convicted, the aggregate of the fine in respect of the same contravention shall not exceed five hundred rupees on second conviction and seven hundred and fifty rupees on third or any subsequent conviction :

Provided further that, for the purposes of this section, no cognisance shall be taken of any conviction made more than two years before the commission of the offence which is being punished :

Provided also that the Court, if it is satisfied that there are exceptional circumstances warranting such a course, may, after recording its reasons in writing, impose a smaller fine than is required by this section.

Penalty for obstructing Inspector.

57. Whoever wilfully obstructs an Inspector in the exercise of any power under section 49, or conceals or prevents any employee in an establishment from appearing before or being examined by an Inspector, shall, on conviction, be punished with fine which shall not be less than twenty-five rupees and which may extend to two hundred and fifty rupees.

Determination of employer for the purposes of this Act.

58. (*1*) Where the owner of an establishment is a firm or other association of individuals, any one of the individual partners or members thereof may be prosecuted and punished under this Act for any offence for which an employer in an establishment is punishable :

Provided that the firm or association may give notice to the Inspector that it has nominated one of its members who is resident in the [1][State] to be the employer for the purposes of this Act and such individual shall so long as he is so resident be deemed to be the employer for the purposes of this Act, until further notice cancelling the nomination is received by the Inspector or until he ceases to be a partner or member of the firm or association.

(*2*) Where the owner of an establishment is a company, any one of the directors thereof, or in the case of a private company, any one of the share holders thereof, may be prosecuted and punished under this Act for any offence for which the employer in the establishment is punishable :

Provided that the company may give notice to the Inspector that it has nominated a director or, in the case of a private company, a share holder who is resident in the [1][State] to be the employer in the establishment for the purposes of this Act,

[1] This word was substituted for the word " Province " by the Adaptation of Laws Order, 1950.

and such director or share holder shall so long as he is so resident be deemed to be the employer in the establishment for the purposes of this Act, until further notice cancelling his nomination is received by the Inspector or until he ceases to be a director or share holder.

Exemption of employer or manager from liability in certain cases.

59. (*1*) Where the employer or manager of an establishment is charged with an offence against this Act or the rules or orders made thereunder, he shall be entitled upon complaint duly made by him to have any other person whom he charges as the actual offender brought before the Court at the time appointed for hearing the charge ; and if, after the commission of the offence has been proved, the employer or manager of the establishment proves to the satisfaction of the Court—

(*a*) that he has used due diligence to enforce the execution of this Act, and

(*b*) that the said other person committed the offence in question without his knowledge, consent or connivance, that other person shall be convicted of the offence and shall be liable to the like fine as if he were the employer or manager, and the employer or manager shall be discharged from any liability under this Act.

(*2*) When it is made to appear to the satisfaction of the Inspector at any time prior to the institution of the proceedings—

(*a*) that the employer or manager of the establishment has used all due diligence to enforce the execution of this Act,

(*b*) by what person the offence has been committed, and

(*c*) that it has been committed without the knowledge, consent or connivance of the employer or manager, and in contravention of his orders,

the Inspector shall proceed against the person whom he believes to be the actual offender without first proceeding, against the employer or manager of the establishment, and such person shall be liable to the like fine as if he were the employer or manager.

Cognisance of offences.

60. (*1*) No prosecution under this Act or the rules or orders made thereunder shall be instituted except by an Inspector and except with the previous sanction of the [1][District Magistrate] or the local authority, as the case may be :

[2][Provided that any local authority may direct that the powers conferred on it by this sub-section shall, in such circumstances and subject to such conditions, if any, as may be specified in the direction, be exercised by its standing committee or by any committee appointed by it in this behalf or, if such local authority is a municipal corporation, by its Municipal Commissioner.]

(*2*) No court inferior to that of a Presidency Magistrate or a Magistrate of a Second Class shall try any offence against this Act or any rule or order made thereunder.

Limitation of prosecution.

61. No court shall take cognisance of any offence under this Act or any rule or order made thereunder, unless complaint thereof is made within [3][three months from the date on which the alleged commission of the offence came to the knowledge of an Inspector].

CHAPTER XI.

MISCELLANEOUS AND SUPPLEMENTAL.

Maintenance of registers and records and display of notices.

62. Subject to the general or special orders of the [4][State] Government, an employer shall maintain such registers and records and display on the premises of his establishment such notices as may be prescribed. All such registers and records shall be kept on the premises of the establishment to which they relate.

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[1] These words were substituted for the words "State Government" by Bom. 9 of 1951, s. 3, Second Schedule.

[2] This proviso was added by Bom. 28 of 1952, s. 17.

[3] These words were substituted for the words "six months of the date on which the offence is alleged to have been committed", *ibid*, s. 18.

[4] This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

Wages for overtime work.

63. (*1*) Where an employee in any establishment other than a residential hotel, restaurant or eating house, is required to work in excess of the limit of hours of work, he shall be entitled, in respect of the overtime work, to wages at the rate of one and a half times his ordinary rate of wages.

(*2*) Where an employee in a residential hotel, restaurant or eating house, is required to work in excess of the limit of hours of work, he shall be entitled, in respect of the overtime work, to wages at the rate of twice his ordinary rate of wages.

Explanation.—For the purposes of this section the expression "limit of hours of work" shall mean—

(*a*) in the case of employees in shops and commercial establishments, nine hours in any day and forty-eight hours in any week;

(*b*) in the case of employees in residential hotels, restaurants, eating houses, theatres or other places of public amusement or entertainment, nine hours in any day; and

(*c*) in the case of employees in any other establishment, such hours as may be prescribed.

Evidence as to age.

64. (*1*) When an act or omission would, if a person were under or over a certain age, be an offence punishable under this Act, and such person is in the opinion of the Court apparently under or over such age, the burden shall be on the accused to prove that such person is not under or over such age.

(*2*) A declaration in writing by a [1][qualified medical practitioner] relating to an employee that he has personally examined him and believes him to be under or over the age set forth in such declaration shall, for the purposes of this Act, be admissible as evidence of the age of the employee.

Explanation.—For the purposes of this section, a [1][qualified medical practitioner] shall have the same meaning as in the Factories Act, [2][1948].

LXIII of 1948.

Restriction on double employment on a holiday or during leave.

65. No employee shall work in any establishment, nor shall any employer knowingly permit an employee to work in any establishment, on a day on which the employee is given a holiday or is on leave in accordance with the provisions of this Act.

Notice of dismissal.

66. No employer shall dispense with the services of an employee who has been in his continuous employment for not less than three months, without giving such person at least fourteen days' notice in writing or wages in lieu of such notice:

Provided that such notice shall not be necessary where the services of such employee are dispensed with for misconduct.

[3][*Explanation.*—For the purposes of this section, "misconduct" shall include—

(*a*) absence from service without notice in writing or without sufficient reasons for seven days or more;

(*b*) going on or abetting a strike in contravention of any law for the time being in force; and

(*c*) causing damage to the property of his employer.]

Rules.

67. (*1*) The [4][State] Government may make rules to carry out the purposes of the Act.

(*2*) In particular and without prejudice to the generality of the foregoing provision such rules may be made for all or any of the following matters, namely:—

(*a*) the appointment of prescribed authority under clause (*21*) of section 2;

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[1] These words were substituted for the words "registered medical practitioner" by Bom. 17 of 1949, s. 3.

[2] These figures were substituted for the figures "1934", *ibid.*

[3] This Explanation was added by Bom. 28 of 1952, s. 19.

[4] This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

(*b*) the period for which, the conditions subject to which and the holidays and occasions on which, the operation of the provisions of this Act may be suspended under section 6 ;

(*c*) the form of submitting a statement, the fees and other particulars under sub-section (*1*), the manner in which the registration of establishments is to be made and the form of registration certificate under sub-section (*2*), of section 7 ; and [1][the form and the period for notifying] a change and the fees under section 8 ;

(*d*) fixing six days in a year for additional overtime under sub-section (*3*) of section 14 ;

(*e*) fixing ten days in a year for overtime under sub-section (*3*) of section 19 ;

(*f*) further particulars to be prescribed for an identity card under section 25 ;

(*g*) the form of register for entering refusal of leave to be kept under section 35 ;

(*h*) fixing times and methods for cleaning the establishments under section 39 ; fixing standards and methods for ventilation under section 40 ; and prescribing such establishments as are to be exempted from the provisions of, and precautions against fire to be taken under section 42 ;

[2][(*ha*) the articles which a first aid box maintained under section 42A shall contain] ;

(*i*) the supervision which the [3][State] Government shall exercise over local authorities under section 43 ;

(*j*) the qualifications of Inspectors appointed under section 48 and their powers and duties under section 49 ;

(*k*) the registers and records to be maintained and notices to be displayed under section 62 ;

(*l*) the limit of hours of work under clause (*c*) of the *Explanation* to section 63 ;

(*m*) any other matter which is or may be prescribed.

(*3*) The rules made under this section shall be subject to the condition of previous publication and, when so made, shall be deemed to be part of this Act.

Protection to persons acting under this Act.

68. No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act.

Rights and privileges under other law, etc., not affected.

69. Nothing in this Act shall affect any rights or privileges which an employee in any establishment is entitled to at the date this Act comes into force in a local area, under any other law, contract, custom or usage applicable to such establishment or any award, settlement or agreement binding on the employer and the employee in such establishment, if such rights or privileges are more favourable to him than those to which he would be entitled under this Act.

Persons employed in factory to be governed by Factories Act and not by this Act.

70. Nothing in this Act shall be deemed to apply to any person employed in or within the precincts of a factory and the provisions of the Factories Act, [4][1948] LXIII of 1948. shall, notwithstanding anything in the said Act, apply to such person.

Submission of annual report, etc.

71. It shall be the duty of every local authority to submit, within three months after the close of the year, to the [3][State] Government a report on the working of the Act within the local area under its jurisdiction during such year. It shall also submit to it from time to time such annual or periodical returns as may be required.

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[1] These words were substituted for the words " the form for notifying " by Bom. 28 of 1952, s. 20 (*1*).

[2] Clause (*ha*) was inserted, *ibid*, s. 20 (*2*).

[3] This word was substituted for the word " Provincial " by the Adaptation of Laws Order, 1950.

[4] These figures were substituted for the figures " 1934 " by Bom. 17 of 1949, s. 4.

om. XIV 39.

72. On and from the date of the commencement of this Act, the Bombay Shops and Establishments Act, 1939, shall be repealed : Repeal of Bombay Shops and Establishments Act, 1939.

r vided that—

(*a*) every appointment, order, rule, by-law, regulation, notification or notice made, issued or given under the provisions of the Act so repealed shall, in so far as it is not consistent with the provisions of this Act, be deemed to have been made, issued or given under the provisions of this Act, unless and until superseded by any appointment, order, rule, by-law, regulation, notification or notice made, issued or given under this Act ;

(*b*) any proceeding relating to the trial of any offence punishable under the provisions of the Act so repealed shall be continued and completed as if the said Act had not been repealed but had continued in operation and any penalty imposed on such proceedings shall be recovered under the Act so repealed.

SCHEDULE I.

[Section I (*3*).]

Local areas.

[1][1. Greater Bombay.]

2. The Ahmedabad Municipal Borough and Cantonment.

3. The Poona City and Suburban Municipal Boroughs.

4. The Poona Cantonment.

5. The Sholapur Municipal Borough.

6. The Barsi Municipal Borough.

7. The Nasik Municipal Borough.

8. The Godhra Municipal Area.

9. The Surat Municipal Borough.

10. The Kalyan Municipal Area.

[2]* * * *

[2]* * * *

[2]* * * *

14. The Panvel Municipal Area.

[2]* * * *

16. The Bulsar Municipal Area.

17. The Malegaon Municipal Area.

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[1] This item was substituted for the original by Bom. 17 of 1945, s. 9, read with Bom. 8 of 1950.
[2] Items 11, 12, 13 and 15 were deleted, *ibid.*

18. The Dhulia Municipal Area.

19. The Thana Municipal Borough.

20. The Nadiad Municipal Borough.

21. The Baramati Municipal Area.

22. The Dohad Municipal Area.

23. The Amalner Municipal Borough.

24. The Yeola Municipal Area.

25. The Kapadvanj Municipal Area.

26. The Pandharpur Municipal Borough.

27. The Bhusawal Municipal Borough.

28. The Jalgaon Municipal Borough.

29. The Satara Municipal Borough.

30. The Ratnagiri Municipal Area.

31. The Ahmednagar Municipal Borough.

32. The Chalisgaon Municipal Borough.

33. The Belgaum Municipal Borough.

34. The Bijapur Municipal Borough.

35. The Dharwar Municipal Borough.

36. The Mahad Municipal Area.

37. The Ankleshwar Municipal Area.

38. The Uran Municipal Area.

39. The Broach Municipal Area.

40. The Gadag Municipal Area.

41. The Hubli Municipal Borough.

42. The Bhiwandi Municipal Area.

SCHEDULE II.

(Section 4.)

Exemptions [1][*(subject to the note mentioned below)*].

Serial No.	Establishments, employees or other persons.	Provisions of the Act.
1	2	3
	I. Establishments.	
1	[2][Establishments] of the Central Government	All provisions.
2	[2][Establishments] of the [3][State] Government	Do.
3	[2][Establishments] of the Local authorities	Do.
4	[2][Establishments] of the Bombay Port Trust	Do.
5	[2][Establishments] of any Railway Administration	Do.
6	Bazars or fairs for the sale of goods for charitable or other purposes from which no profit is derived	Do.
[4][6A	Offices of the Reserve Bank of India	Do.]
[5][6B	[6][Offices of Trade Commissioners and of Consular officers and other diplomatic representatives of Foreign Governments ..	Do.]
[7][6C	Offices of air service companies	All provisions.]
[8][6D	Establishments maintained in connection with the Petrol Service Stations and Petrol Pumps	All provisions.]
[9][6E	Offices of Agricultural Produce Market Committees established under the Bombay Agricultural Produce Markets Act, 1939 (Bom. XXII of 1939)	All provisions.]
6F	Establishments pertaining to any kind of educational activities ..	All provisions.]
[10][6G	The High Court Law Library, High Court, Bombay ..	All provisions.]
[11][6H	Office of the Bombay Housing Board established under the Bombay Housing Board Act, 1948 (Bom. LXXIX of 1948) and offices subordinate to it	All provisions.]
[12][6I	Office of the Industrial Finance Corporation of India at Bombay.	All provisions.]
[13][6J	Establishments of the Bombay State Road Transport Corporation.	All provisions.]
[14][6K	Office of the Indian Rare Earths Limited, Old Yacht Club, Apollo Pier Road, Bombay 1	All provisions.]

[1] These words and brackets were added by G. N., Lab. D., No. 8/48-I, dated 28th April 1949.
[2] This word was substituted for the word "Offices" by G. N., Lab. D., No. 8/48, dated 24th August 1949.
[3] This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.
[4] This entry was added by G. N., Lab. D., No. 184/48, dated 4th February 1949.
[5] This entry was added by G. N., Lab. D., No. 184/48, dated 26th February 1949.
[6] These words were substituted for the words "Office of the Commercial Secretary for Canada" by G. N., Lab. D., No. 184/48, dated 11th April 1949.
[7] This entry was substituted for the original by G. N., Lab. D., No. 8/48-I, dated 28th April 1949.
[8] This entry was added by G. N., Lab. D., No. 8/48-II, dated 14th April 1949.
[9] Entries 6E and 6F were added by G. N., Lab. D., No. 8/48-I, dated 28th April 1949.
[10] This entry was added by G. N., Lab. D., No. 8/48, dated 17th May 1949.
[11] This entry was added by G. N., Lab. D., No. 8/48, dated 11th July 1949.
[12] This entry was added by G. N., Lab. D., No. 8/48, dated 29th September 1949.
[13] This entry was added by G. N., Lab. and H. D., No. 8/48, dated 28th August 1950.
[14] This entry was added by G. N., Lab. and H. D., No. 8/48, dated 16th April 1951.

SCHEDULE II—*contd.*

Serial No.	Establishments, employees or other persons.	Provisions of the Act.
1	2	3
	II. [1][*Establishments, employees*] *and other persons.*	
7	[2][Employees in an establishment exclusively attending to the receipt, delivery, clearance or despatch of goods, or to assisting the travel arrangements of passengers by rail or other means of transport.]	Sections 10, 11, 13 to 18. (both inclusive).
8	Employees exclusively employed in any establishment in the collection, delivery or conveyance of goods outside the premises of any establishment.	Do. [3][and 21 and] 24.]
9	Employees in such chemists' or druggists' establishments as are approved by the [4][State] Government or the prescribed authority by a general or special order in this behalf.	[5][Sections 10, 11, 13 to 18 (both inclusive).]
10	[6][Establishments] for the purpose of attending upon the sick, infirm, destitute our mentally unfit.	Do. [7][and 33].
11	[8][Establishments] wholly or principally engaged in the sale of ice, aerated waters or funeral requisites.	[9][Sections 10, 11, 13 to 18 (both inclusive.)]
12	Travellers, canvassers and such other employees who are declared by the [4][State] Government by notification published in the *Official Gazette* in this behalf to be employees whose work is inherently intermittent. [10][*Explanation.*—The following employees shall be deemed to be employees whose work is inherently intermittent:— (1) Employees employed in the sections of establishments carrying out repairs for the maintenance of water supply, gas supply, electricity and drainage or repairs to ships; (2) Employees employed in bill collection work. (3) Employees employed in the Road Service Department of the Western India Automobile Association.] [11][(4) Employees employed in the sections of establishments for the purpose of maintenance and repairs of buildings or of projectors or sound equipments in cinemas] [12][or of air-conditioning and refrigeration plants] [13][or of punched-card accounting equipment] [14][or of lifts].	Do.

[1] These words were substituted for the word "Employees" by G. N., Lab. D., No. 8/48-I, dated 14th April 1949.
[2] This portion was substituted for the original by G. N., Lab. D., No. 8/48-I, dated 28th April 1949.
[3] These words and figures were added by G. N., Lab. D., No. 8/48, dated 11th July 1949.
[4] This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.
[5] These words and figures were substituted for the word "Do." by G. N., Lab. D., No. 8/48, dated 11th July 1949.
[6] This word was substituted for the words "Employees employed" by G. N., Lab. D., No. 8/48-I, dated 14th April 1949.
[7] This word and figure were added by G. N., Lab. D., No. 8/48-I, dated 28th April 1949.
[8] This word was substituted for the words "Employees in any establishment" by G. N., Lab. & H. D., No. 8/48, dated 28th September 1950.
[9] These words and figures were substituted for the letters "Do." by G. N., Lab. D., No. 8/48-I, dated 14th April 1949.
[10] This *Explanation* was added by G. N., Lab. D., No. 8/48-I, dated 28th April 1949.
[11] This portion was added by G. N., Lab. D., No. 8/48, dated 19th May 1949.
[12] These words were added by G. N., Lab. D., No. 8/48, dated 11th July 1949.
[13] These words were added by G., N., Lab. and H. D., No. 8/48, dated 20th February 1950.
[14] These words were added by G. N., Lab. and H. D., No. 8/48, dated 22nd June 1950.

SCHEDULE II—*contd.*

Serial No.	Establishments, employees or other persons.	Provisions of the Act.
1	2	3
13	[1][Employees in stalls, refreshment rooms and canteens at railway stations, docks, wharves, airports and the State Transport Bus Stations.]	[2][Sections 19, 20 and 23].
14	Employees working in any establishment as watchmen, caretakers, [3][fire-fighting staff] and messengers.	Sections 10, 11, 13 to 19 (both inclusive), 22 to 24 (both inclusive), 26, 28 to 31 (both inclusive).
15	The members of an employer's family	Sections 14 to 17 (both inclusive), 21 to 24 (both inclusive), 28 to 31 (both inclusive) [4][and 33].
16	A person occupying position of management or an employee engaged in a confidential capacity. Provided that the number of such persons in any establishment shall not exceed ten per cent. of the total number of employees therein, any fraction being rounded up to the next higher integer.	Do. [5][in respect of commercial establishments also [6][sections 13 and 18.]
[7][17	Employers of commercial establishments	[8][Sections 13 and 18 (*1*)] so far as concerns their own attendance and the attendance of the staff exempted from section 18.
18	Legal and Income Tax Practitioners	Sections 13 and 18 (*1*) so far as concerns their own attendance and the attendance of the staff exempted from section 18.
19	Establishments dealing wholly in fruits, flowers, vegetables, [9][betel leaves, meat,] [10][bread], [11][mawa], eggs and fish.	Section 18.
20	Female attendants for women's cloak-rooms or lavatories at theatres or other places of public amusement or entertainment or at residential hotels or restaurants.	Section 33.

[1] These words were substituted for the words beginning with the word "Employees" and ending with the word "airports" by G. N., Lab. & H. D., No. 8/48, dated 14th December 1951.
[2] These words and figures were substituted for the word and figures "section 19" by G. N., Lab. D., No. 8/48, dated 3rd June 1949.
[3] These words were added, *ibid.*
[4] The word and figures "and 33" were added by G. N., Lab. D., No. 8/48-I, dated 28th April 1949.
[5] These words and figures were added by G. N., Lab. D., No. 8/48-I, dated 14th April 1949.
[6] These words and figures were substituted for the word and figures "section 18" by G. N., Lab. D., No. 8/48-I, dated 28th April 1949.
[7] Entries 17 to 21 were added by G. N., Lab. D., No. 8/48-III, dated 14th April 1949.
[8] The words, figures and brackets "Sections 13 and 18 (*1*)" were substituted for the word, figures and brackets "section 18 (*1*)" by G. N., Lab. D., No. 8/48-I, dated 28th April 1949.
[9] These words were inserted, *ibid.*
[10] This word was added by G. N., Lab. D., No. 8/48, dated 17th May 1949.
[11] This word was added by G. N., Lab. & H. D., No. 8/48, dated 22nd June 1950.

SCHEDULE II—*contd.*

Serial No.	Establishments, employees or other persons.	Provisions of the Act.
1	2	3
21	Female House Keepers employed in residential hotels and female artists in cabaret or entertainment shows.	Section 33.
[1][22	Establishments of legal and income-tax practitioners ..	Section 15.
23	Sections of newspaper or news agency offices pertaining to news collection, editing and publishing.	Sections 13 to 18 (both inclusive).
24	Ice [2][and ice-fruit] manufacturing establishments	Sections 13 and 18.
25	Bakeries	Provision relating to opening hour and section 18.
26	Such hair cutting establishments and hammam-khanas as open not earlier than 6 a.m. and close not later than 9-30 p. m.	Sections 10, 11 and 16.
27	Shops dealing in milk, curds, cream and butter	Sections 11, 16, 18 and 33.
28	Photography establishments	Provisions of opening hour in section 10 [3][and provision of closing hour in section 11]
29	Railway book stalls	Sections 10, 11 and 18.
30	Those establishments in organised markets (like the cotton or stocks and securities markets) recognised by the prescribed authority as involving intermittent work, which observe not more than six and a half total hours of work per day between the limits of 11-30 a. m. and 6-30 p. m.	Section 15.
31	Sections in banks pertaining to safe deposit vaults or lockers or godowns.	Section 18.
32	Establishments employing not a single employee	[4][Section 62, same as regards any visit book prescribed to be maintained.]
33	Employers of all establishments	Provision relating to closing hour in sections 11, 12 and 19 so far as their own work is concerned, provided on sale or service to customers is rendered.
34	Piece workers in establishments	Sections 14, 16, 17 and 33].
[5][35	Shops supplying cycles on hire or petromax or and other lanterns on hire.	Provision relating to closing hours in section 11.
36	Shops dealing in newspapers	Section 18.]

[1] Entries 22 to 34 were added by G. N., Lab. D., No. 8/48-I, dated 28th April 1949.
[2] These words were added by B. N., Lab. & H. D., No. 8/48, dated 16th February 1951.
[3] These words and figures were added by G. N., Lab. D., No. 8/48, dated 11th July 1949.
[4] This portion was substituted for the words and figures "section 62" by G. N., Lab. & H. D. No. 8/48, dated 17th March 1952.
[5] Entries 35 and 36 were added by G. N., Lab. D., No. 8/48, dated 14th May 1949.

SCHEDULE II—*contd.*

Serial No.	Establishments, employees or other persons.	Provisions of the Act.
1	2	3
[1][37	Code Departments of Commercial establishments	Sections 13 and 18.]
[2][38	Operators employed in cinema theatres on days on which extra charity shows recognised by the prescribed authority are held.	Sections 28 and 30.
39	Children and young persons exclusively employed in the sport sections of residential clubs.	Sections 32 to 34 (both inclusive).]
[3][40	Establishments of Telegram Commission Agents	Sections 13 and 18.
41	Young persons employed as performers in dramatic shows ..	Section 33.]
[4][42	Such shops dealing in pan, bidi, cigarettes, matches and other ancillary articles as open not earlier than 6-00 a.m.	Section 10.]
[5][43	Upcountry depots and transhipment stations belonging to oil companies.	18.]
[6][44	Such employees of the Co-operative Banks as are engaged in propaganda, supervision and training in business methods of agriculturists and rural artisans.	Section 18.]
[7][45	Menial staff employed in stables attending to the work of feeding, bathing and milking of animals, cleaning of stables and distribution of milk.	Sections 13 to 18 (both inclusive).
46	Dal Manufacturing establishments	Sections 16 and 18.]
[8][47	Canteens attached to the Central Telegraph Office, Bombay ..	Sections 10, 11 and 18.]

[1] This entry was added by G. N., Lab. D., No. 8/48, dated 19th May 1949.
[2] Entries 38 and 39 were added by G. N., Lab. D., No. 8/48. dated 31st May 1949.
[3] Entries 40 and 41 were added by G. N., Lab. D., No. 8/48, dated 3rd June 1949.
[4] This entry was added by G. N., Lab. D., No. 8/48, dated 7th November 1949.
[5] This entry was added by G. N., Lab. & H. D., No. 8/48, dated 23rd March 1950.
[6] This entry was added by G. N., Lab. & H. D., No. 8/48, dated 11th April 1950.
[7] Entries 45 and 46 were added by G. N., Lab. & H. D., No. 8/48, dated 2nd June 1950.
[8] This entry was added by G. N., Lab. & H. D., No. 8/48, dated 25th July 1950.

SCHEDULE II—*concld.*

Serial No.	Establishments, employees or other persons.	Provisions of the Act.
1	2	3
[1][48	India Coffee Houses run by the Indian Coffee Board ..	Sections 35, 36 and 37.]
[2][49	The Out-door staff of the motor transport services ..	Sections 13 to 18.]
[3][50	Such establishments of the suppliers of band parties as close not later than 11 p.m.	Section 11.]
[4][51	All shipping Companies	Section 15.]
[5][52	Such restaurants as are granted special licences by the Commissioner of Police, Bombay, or the District Magistrate, to conduct business after 11 p.m.	Provision relating to the closing hour in section 19.]
[6][53	Tea stalls and Catering Hotels situated on the Railway premises.	Sections 25 (*d*) and 32 and Chapter VIII.]
[7][54	Establishments commonly known as general engineering works wherein the manufacturing process is carried on with the aid of power.	Section 13(*1*) so far as closing hour is concerned and section 18.]
[8][55	Newspaper shops in Poona Municipal Area dealing in evening dailies.	Provision relating to closing hours in section 11(*1*) (*a*) subject to the restriction that no such shop shall on any day be closed later than 10 p.m.

[9][*Note.*—The exemptions from the provisions of section 18 in entries Nos. 7 to 12, 14, 16, 19, 23, 24, 25, 27, 29, 31, 36, 37, 40, 43, 45, 46, 47, 49 and 54 shall be permissible in the case of such establishments referred to therein as give the employees concerned one day in a week as a holiday and make no deduction from wages on account thereof.]

[1] This entry was added by G. N., Lab. & H. D., No. 8/48, dated 9th August 1950.
[2] This entry was added by G. N., Lab. & H. D., No. 8/48, dated 28th August 1950.
[3] This entry was added by G. N., Lab. & H. D., No. 8/48, dated 6th November 1950.
[4] This entry was added by G. N., Lab. & H. D., No. 8/48, dated 27th November 1950.
[5] This entry was added by G. N., Lab. & H. D., No. 8/48, dated 2nd February 1951.
[6] This entry was added by G. N., Lab. & H. D., No. 8/48, dated 25th June 1951.
[7] This entry was added by G. N., Lab. & H. D., No. 8/48, dated the 10th March 1952.
[8] This entry was added by G. N., D. D. No. 8/48, dated 28th November 1952.
[9] This note was added by G. N., Lab. D., No. 8/48-I, dated 28th April 1949, and was amended by the following notifications:—

G. N., Lab. D., No. 8/48-I, dated 28th April 1949.
G. N., Lab. D., No. 8/48, dated 14th May 1949.
G. N., Lab. D., No. 8/48, dated 19th May 1949.
G. N., Lab. D., No. 8/48, dated 3rd June 1949.
G. N., Lab. and H. D., No. 8/48, dated 23rd March 1950.
G. N., Lab. and H. D., No. 8/48, dated 2nd June 1950.
G. N., Lab. and H. D., No. 8/48, dated 25th July 1950.
G. N., Lab. and H. D., No. 8/48, dated 28th August 1950.
G. N., Lab. and H. D., No. 8/48, dated 10th March 1952.